

E-FILED on 11/10/05

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VIDEO SOFTWARE DEALERS
ASSOCIATION, and ENTERTAINMENT
SOFTWARE ASSOCIATION,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, in his official
capacity as Governor of the State of California;
BILL LOCKYER, in his official capacity as
Attorney General of the State of California;
GEORGE KENNEDY, in his official capacity as
Santa Clara County District Attorney; RICHARD
DOYLE, in his official capacity as City Attorney
for the City of San Jose; and ANN MILLER
RAVEL, in her official capacity as County Counsel
for the County of Santa Clara,

Defendants.

No. C-05-04188 RMW

ORDER GRANTING DEFENDANTS' *EX*
PARTE MOTION TO CONTINUE HEARING
ON PRELIMINARY INJUNCTION

[Re Docket No. 19, 20]

Defendants George Kennedy, Santa Clara County District Attorney, and Ann Ravel, Santa Clara County Counsel (the "county defendants"), move to continue the hearing on plaintiffs' motion for a preliminary injunction from December 2 to December 9, 2005. The court reluctantly grants the motion.

On October 7, 2005, Arnold Schwarzenegger, Governor of California, signed into law Assembly Bill 1179, which is to take effect on January 1, 2006, and will restrict the sale and rental of certain violent

1 video games to minors. On October 17, the plaintiffs filed a complaint, and two days later, a motion for a
2 preliminary injunction, seeking to prevent enforcement of this new law. When plaintiffs filed their motion for
3 preliminary injunction, the briefing schedule was set.

4 The county defendants state that the attorney who is handling this matter for them, Kathryn J.
5 Zoglin, is unavailable on December 2, 2005, and thus request the hearing date be continued to December
6 9. The other defendants do not oppose this request, but the plaintiffs do. The plaintiffs claim that they will
7 have insufficient time to either appeal an adverse decision of this court or comply with the new law if the
8 hearing is continued a week.

9 While cognizant of the position the plaintiffs are in, as well as their diligence in prosecuting the case,
10 the court feels that justice requires it to accommodate Ms. Zoglin's schedule. The hearing on the plaintiffs'
11 motion for a preliminary injunction is continued to December 9, 2005, at 9:00 a.m.

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15 DATED: 11/10/05

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been electronically sent to:**

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13 Counsel are responsible for distributing copies of this document to co-counsel that have not registered for
14 e-filing under the court's CM/ECF program.
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13 **Dated:** 11/10/05

/s/ JH

Chambers of Judge Whyte